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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,392	06/22/2001	John R. Hampton	41394-00009USPT	7158

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Margaret A. Boulware  
Jenkins & Gilchrist  
A Professional Corporation  
1100 Louisiana, Suite 1800  
Houston, TX 77002-5214

EXAMINER

POPOVICS, ROBERT J

ART UNIT

PAPER NUMBER

1724

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/887,392	<b>Applicant(s)</b> HAMPTON ET AL.	
	<b>Examiner</b> Robert J. Popovics	<b>Art Unit</b> 1724	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-11,13 and 15-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-11,13 and 15-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Pending Claims***

Currently, claims 1,3-11,13 and 15-21 are pending and rejected.

### ***Claim Rejections - 35 USC § 102***

Claims 1,3-4, 9-11,13,15-16 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Gill (US 2,302,116). See cylindrical shell 33, which is seen to meet the claimed “sleeve” limitation.

Claims 1,3-11 and 15- 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Ayers (US 4,539,107). See tube 42, which is seen to meet the claimed “sleeve” limitation.

Claims 1,3-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Graves (US 5,306,425). See tube 80 (Fig. 3), which is seen to meet the claimed “sleeve” limitation.

Claims 1,3-5,7-8,10,15-16 and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Harris (US 4,420,392). See outer cup 52 and/or inner cup 66, which is seen to meet the claimed “sleeve” limitation.

Claims 1,3,7,9-11,15-16, 19 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Shinaver (US 4,456,529). See baffle member 132, which is seen to meet the claimed “sleeve” limitation.

***Response to Arguments***

Applicant's arguments filed May 17, 2004 have been fully considered but they are not persuasive. With respect to each of the rejections in view of Gill, Ayers, Graves and Shinaver above, Applicant has argued that since the reference "does not disclose the sleeve being non-permeable it does anticipate the claims." The Examiner respectfully disagrees with Applicant. The Examiner does not interpret the language of the claims to specify that the sleeve is non-permeable, but rather, that the sleeve is made of a "substantially non-permeable material." The sleeve materials of the applied references are substantially non-permeable.

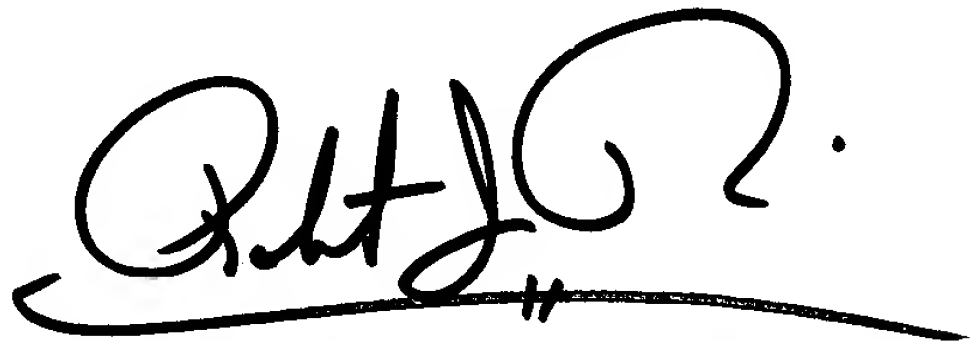
Regarding the Harris reference, Applicant has argued, "Harris fails to disclose a core member in fluid communication with the filter element 54. Since Harris does not disclose a core member in fluid communication with the filter element, it does not anticipate claims 1,3-5,7-8,10,15-16 and 18-20." The Examiner respectfully disagrees. Referring to Figure 1 of Harris, there is disclosed structure 74, structure 68 and structure 66, any of which could be seen to constitute a "central core."

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication should be directed to Robert J. Popovics at telephone number (571) 272-1164.

A handwritten signature in black ink, appearing to read 'R. J. Popovics', with a long horizontal flourish underneath.

**Robert James Popovics  
Primary Examiner  
Art Unit 1724**

June 13, 2004